

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

BRIGHTLINE TRAINS FLORIDA LLC,
Plaintiff,
v.
NATIONAL MEDIATION BOARD,
Defendant,
and
TRANSPORT WORKERS UNION OF
AMERICA,
Intervenor.

Case No. 1:24-CV-24734-DPG

**BRIGHTLINE TRAINS FLORIDA LLC'S
MOTION TO MODIFY THE COURT'S SCHEDULING ORDER**

Plaintiff Brightline Trains Florida LLC ("Brightline Florida") respectfully moves to modify the Court's scheduling order regarding the deadlines for summary judgment briefing in the above-captioned case. In support of this motion, Brightline Florida states as follows:

1. The Court issued a scheduling order on April 14, 2025, establishing briefing deadlines for Brightline Florida's motion to dismiss Intervenor Transport Workers Union of America's ("TWU's") counterclaim and all Parties' motions for summary judgment on all claims. ECF No. 54.
2. Brightline Florida's motion to dismiss (ECF No. 58) TWU's counterclaim became ripe for disposition on May 14, 2025, and remains pending before the Court.
3. Pursuant to the Court's scheduling order, summary judgment motions on Brightline Florida's Administrative Procedure Act ("APA") claim and TWU's Railway Labor Act ("RLA") counterclaim are currently due on Wednesday, July 30, 2025. ECF No. 54 at 1.
4. The Court held a telephonic status conference on June 18, 2025, to discuss scheduling and other procedural matters in the above-captioned case and *Transport Workers Union of Am., AFL-CIO v. Brightline Trains Florida LLC*.

CIO v. Brightline Trains Florida, LLC, No. 1:25-cv-20863 (S.D. Fla.). During the course of this status conference, the Court indicated its preference for resolving Brightline Florida's motions to dismiss before summary judgment proceeded on TWU's RLA claims in the two cases. Accordingly, the Court extended the schedule for filing summary judgment motions in *Transport Workers Union* to mirror the summary judgment schedule in this case. *See* No. 1:25-cv-20863, ECF No. 34 (memorializing the Court's decision to align summary judgment briefing in both cases to begin on July 30).

5. In light of the pending motion to dismiss, Brightline Florida respectfully requests that the Court modify the scheduling order to extend the deadline for filing summary judgment motions on both Brightline Florida's APA claim and TWU's RLA counterclaim by 30 days. If this extension is granted, the new summary judgment briefing schedule would be as follows:

- a. The Parties' simultaneous cross-motions for summary judgment are due by August 29, 2025.
- b. The Parties' briefs in opposition to summary judgment are due by September 29, 2025.
- c. The Parties' reply briefs in support of summary judgment are due by October 13, 2025.

6. Postponing the deadline for filing summary judgment motions for 30 days will promote judicial economy and avoid unnecessary expenditure of resources. A 30-day extension will afford time for the Court to issue a decision on Brightline Florida's pending motion to dismiss, which in turn will inform (and may narrow) the scope of the Parties' summary judgment briefing on TWU's RLA counterclaim. For example, should the Court grant Brightline Florida's motion to dismiss, the Parties will not need to brief TWU's RLA counterclaim on summary judgment. And should the Court

deny Brightline Florida's motion to dismiss, the Court's decision will guide the Parties' framing of their summary judgment arguments on TWU's RLA counterclaim.

CONCLUSION

For the foregoing reasons, Brightline Florida respectfully requests that the Court modify the briefing schedule to extend the deadline to file summary judgment motions by 30 days as described in Paragraph 5 above.

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for Brightline Florida conferred with counsel for all Parties in a good faith effort to resolve the issues raised in this motion. TWU does not consent to the motion, and Defendant National Mediation Board takes no position on the motion.

July 17, 2025

Respectfully submitted,

/s/ Lawrence D. Silverman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th of July 2025, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document was served, by the Court's electronic filing system, to all counsel of record.

/s/ Lawrence D. Silverman
Lawrence D. Silverman (Fla. Bar No. 7160)